

9187

H. YEARLE PAYNE

9187 CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 108A Rev.

TITLE OF CASE

ATTORNEYS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOHL SHOE COMPANY;
 NORDSTROM'S ALBUQUERQUE, INC.;
 PARIS SHOE STORES; and
 PENOBSCOT SHOE COMPANY,

Defendants.

For plaintiff:

Hon. Victor R. Ortega
 U. S. Attorney
 P. O Box 607
 Albuquerque, New Mexico

Lawrence W. Somerville, Leon Weidman,
 Richard E. Neuman, Michael J. Dennis,
 Department of Justice
 Antitrust Division
 1444 United States Courthouse
 312 North Spring Street
 Los Angeles, California 90012
 (213) 688-2507

For Defendant:

Veryl L. Riddle, Edwin S. Taylor
 BRYAN, CAVE McPHEETERS & McROBERTS
 500 North Broadway, Suite 2100

~~For defendant - E.S.Taylor for~~
 BRYAN, CAVE, MCPHEETERS & McROBERTS
 1600 Boatman's Bank Building
 314 North Broadway
 St. Louis, Missouri, 63102
 for Deft. Wohl Shoe Company

~~John Quinn and Quayle~~

STANLEY, WITT AND QUINN

John Quinn
 342 East Manhattan Ave.
 P.O. Drawer A
 Santa Fe, New Mexico 87501
 for Deft. Wohl Shoe Company

NATURE: Title 15, U.S.C. Sec. 1
 Conspiracy in Restraint of
 Interstate Trade and Commerce.

ATTORNEYS CONTINUED

| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|--------------------|--------------|------|---------------------|------|-------|
| J.S. 5 mailed | Clerk | | | | |
| J.S. 6 mailed | Marshal | | | | |
| Basis of Action: | Docket fee | | | | |
| | Witness fees | | | | |
| Action arose at: | Depositions | | | | |

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FPI MI-10-24-68 ZON-4125

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|-----------------|--|------------------------------|
| 1971 Oct. 19 | Filing Complaint Summons, original and one service copy with copy of Complaint issued and handed to attorney for plaintiff for delivery to the Marshal for service. | JS 5 mw |
| Oct. 20 | Filing U. S. Marshals Service of Summons & Complaint on Nordstrom's Albuquerque, Inc., on 10/19/71; and on Paris Shoe Store on 10/19/71. em | |
| Nov. 1 | Filing U. S. Marshals Service of Summons & Complaint on Penobscot Shoe Company on 10/22/71. | em |
| Nov. 2 | Filing U. S. Marshals Service of Summons & Complaint on Wohl Shoe Company on 10/21/71. | em |
| Nov. 3 | Filing entry of appearance of Bryan, Cave, McPheeters & McRoberts, 1600 Boatman's Bank Building, 314 North Broadway, St. Louis, Missouri 63102. And, John Quinn, 342 East Manhattan Ave, P.O. Drawer A, Santa Fe, New Mexico 87501 as attorneys for Defendant Wohl Shoe Company. Motion by Deft. Wohl Shoe Company for an extension of time to Dec. 3, 1971, in which to file Answer and/or Motions. Granted E. E. Greeson, Clerk. Copies to counsel as notice of entry. | djm |
| Nov. 9 | Filing Entry of Appearance of Keleher & McLeod on behalf of Nordstrom's Albuquerque, Inc. Filing Stipulation between parties that defendant Nordstrom's Albuquerque, Inc. be granted an extension of time to December 3, 1971 to file Answer. GRANTED AND SO ORDERED (CLERK) | mw mw |
| Nov. 9 | Filing Answer by Defendant, Paris Shoe Stores.(No counterclaim). | djm |
| Dec. 2 | Set for pretrial conference at Albuquerque on Wednesday, Dec. 29, 1971 at 9:00 a.m. before Judge Payne. Notice given. | jse |
| Dec. 3 | Filing Answer of Defendant Nordstrom's Albuquerque, Inc. (no counterclaim) Filing Answer of Wohl Shoe Company to Complaint. (no counterclaim) | |
| Dec. 9 | Filing Answer of Penobscot Shoe Company to Complaint.(no counter-claim) | em |
| Dec. 9 | Filing Certificate of service of answer of Defendant Nordstrom's of Albuquerque by Defendant's Attorney D. Wayne Gittinger. | mw djm |

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|---|---|--|---|
| DATE | ATTORNEYS | | |
| 1971 Nov. 9 | | D. Wayne Gittinger Matthew R. Kenney Lane, Powell, Moss & Miller 1700 Washington Bldg. Seattle, Washington 98101 | |
| | John B. Tittman Kehler & McLeod P. O. Drawer AA Albuquerque, N. M. 87103 | FOR NORDSTROM'S ALBUQUERQUE, INC. | |
| | BOTTS, BOTTS, & MAUNAY 520 Simms Building Albuquerque, New Mexico 87101 For Deft. Paris Shoe Stores | | |
| | MODRALL, SPERLING ROEHL, HARRIS & SISK P.O. Box 2168 Albuquerque, New Mexico 87103 For Paris Shoe Stores | | |
| | Poole, Tinnin, Danfeler & Martin 816 Bank of New Mexico Bldg. Albu. N.M.87101 | FOR PENOBSCOT | Gene Carter Rudman, Rudman & Carter 84 Harlow Street, P. O. Box 1401 Bangor, Maine 04401 |
| | John H. Schafer Covington & Burling 888 Sixteenth St. N.W. Washington, D. C. 20020 | FOR PENOBSCOT SHOE COMPANY | For PENOBSCOT SHOE CO. |

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| D. C. 110A Rev. Civil Docket Continuation | | | Date Order or Judgment Noted |
|---|--|--|------------------------------|
| DATE | PROCEEDINGS | | |
| 1971 Dec. 27 | Filing Plaintiff's Notice of motion and motion to stay all proceedings. Filing Memorandum of Points and Authorities in support of above motion. | | mw |
| Dec. 29 | Filing Proposed Agenda for the pretrial conference of December 29, 1971 by plaintiff. | | mw |
| Dec. 29 | First pretrial conference held. | | |
| Dec. 30 | Filing Transcript of Pretrial Conference held at Albuquerque on December 29, 1971 before Judge Payne. | | djm |
| 1-14-72 | SECOND PRE-TRIAL CONFERENCE held. Further pretrial set for April 13, 1972 at 9:00 a.m. at Albuquerque. Counsel notified by calendar. | | jse |
| 4-13-72 | PRETRIAL CONFERENCE held, Henry, rep. | | jse |
| 4-19-72 | Filing and entering Order that Allen C. Dewey, Jr. of Modrall firm is appointed liaison counsel for all defendants; and motions shall be filed on or before April 28, 1972.(PAYNE) Copies of order sent to counsel as notice of entry. | | mw |
| 5-4-72 | Filing Transcript of Pretrial Conference. | | em |
| 6-9-72 | Set for pretrial conference at Albuquerque before Judge Payne on Friday, July 21, 1972 at 9:00 a.m. Counsel notified by letter. | | jse |
| 6-9-72 | Filing Stipulation between parties and order that plaintiff and defendants shall have until June 26, 1972 to file all discovery motions in the first wave of discovery relative to the identification of documents and witnesses(PAYNE) Copies of order sent to counsel as notice of entry. | | mw |
| 6-26 -72 | Filing Stipulation between all parties that plaintiff and each of the defendants shall have until July 21, 1972 to file all discovery motions . | | |
| 6-30-72 | Filing and entering Order granting above motion. (E. E. GREESON) Copies of order sent to all counsel. | | mw |
| 7-20-72 | Filing Interrogatories propounded by Plaintiff to Defendant Wohl Shoe Company. | | mf |
| 7-21-72 | Filing Stipulation(Re: Final Judgment.) | | mf |

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| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|---|------------------------------|
| 7-21-72 | Filing Interrogatories propounded by Plaintiff to defendant Penobscot. Filing and entering Order that (1) Marshall G. Martin is appointed liaison counsel for Wohl Shoe Co. and Penobscot Shoe Co. in lieu of Allen C. Dewey, Jr. (2) Defendants shall file objections to interrogatories on or before Sept. 29, 1972. (3) All parties shall file discovery motions, exclusive of depositions by Sept. 29, 1972. (4) Wohl Shoe Co. and Penobscot Shoe Co. shall file all answers to interrogatories to which objections have not been made and sustained on or before Feb. 28, 1973. (5) Depositions shall commence after April 1, 1973 and continue to the extent necessary during the next six-months. (6) Pretrial conference will be scheduled approximately sixty days after Feb. 28, 1973. (7) Counsel shall take additional steps in preparation for trial up to Jan. 1, 1974. (8) Trial shall be January 1974. (Payne) | |
| | Notice of entry of the above Order given by copy to all counsel. | mf |
| 7/21/72 | Further pretrial conference held. Howard Henry reporter. | mf |
| 8-18-72 | Filing Reporter's Transcript of Pretrial Conference had 7-21-72. | mf |
| 8/21/72 | Filing and entering Final Judgment as to defendants Nordstrom's Albuquerque, Inc., and Paris Shoe Stores. (Payne) | |
| 8/22/72 | Copy of Final Judgment mailed to counsel as notice of entry. | em |
| 9/20/72 | Filing First Request of Plaintiff to Wohl Shoe Company for Production of Documents Under Rule 34. Filing First Request of Plaintiff to Penobscot Shoe Company for Production of Documents Under Rule 34. | em |
| 9/29 | Filing Objections of Wohl Shoe Company to Plaintiff's Interrogatories. MW | |
| 9/29/72 | Filing Objections of Penobscot Shoe Company to Interrogatories propounded by the United States. Filing Memorandum of Defendants Wohl Shoe Company and Penobscot Shoe Company in support of limiting the territorial scope of Interrogatories to the Albuquerque, New Mexico area. | MW |
| 10/13/72 | Filing Objections of Penobscot Shoe Co. to Plaintiff's Requests to Produce Documents. | MW |
| 10-17-72 | Set for Hearing on Motions. Counsel notified by letter. | dg |
| 10-19-72 | Filing Objections of Wohl Shoe Company to Plaintiff's First Request for Production of Documents. | rm |

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| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|--|------------------------------|
| 11-8-72 | Filing Plaintiff's Motion for Order compelling discovery. Filing Memorandum of points and authorities of the United States in support of its motion to compel answers to interrogatories and production of documents. | mf |
| 11-14-72 | Pre-Trial Conference of 11-17-72 at 1:30 P.M. reset for 11-17-72 at 11:00 A.M. Counsel notified by letter. | dg |
| 11-16-72 | Filing Response of Penobscot Shoe Company to Plaintiff's Motion for an Order compelling Discovery. | mf |
| 11-17-72 | Albuquerque, Payne, J/ Henry, reporter. Pre-trial Conference held. | dg |
| 11/17/72 | Filing Plaintiff's Memorandum in support of its motion to compel discovery. | mw |
| 11/21/72 | Filing Transcript of Hearing had November 27, 1972 before Judge Payne. | em |
| 12/5/72 | Filing Plaintiff's motion to shorten time for answering of interrogatories and request for pretrial conference. | mw |
| 12-11-72 | Filing Points and Authorities in Support of Motion to shorten time for answering of interrogatories and Request for pretrial conference. Filing Plaintiff's Motion for Entry of Order on Courts Rulings on November 17, 1972 (Concurrence of opposing counsel has been requested but refused.) (Copies of Order attached to motion) | |
| | Filing Points and Authorities on entry of order on Court's Rulings on November 17, 1972. | |
| | Filing Proof of Service by mail of the above. | mf |
| 12/26/72 | Filing Defendants' Memorandum in opposition to plaintiff's motion for entry of order on Court's Rulings on November 17, 1972. | |
| | Filing Defendants' Memorandum in opposition to plaintiff's motion to shorten time for Answering of Interrogatories and request for pre-trial conference. | mw |
| 1-3-73 | Conference to settle form of order set for Friday, January 12, 1973, at 1:30 P.M. at Albuquerque. Counsel notified by letter. | krg |
| 1/8/73 | Filing Motion of Defendants Wohl Shoe Company and Penobscot Shoe Company for entry of Order on Court's rulings on November 17, 1972. Filing Memorandum in support of Motion of Defendants Wohl Shoe Co. and Penobscot Shoe Co. | em |

continued

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| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|--|------------------------------|
| 1973 | | |
| 1/12/73 | Albuquerque: Payne, Judge/ Albright, acting court reporter. Messrs. Sommerville and Neuman appear for the plaintiff, Messrs. John Quinn and Marshall Martin for the defendants. 1:30 P.M. called for pretrial conference to settle form of order as to answers to interrogatories: Arguments had. Court directs counsel to try to work out acceptable order or it would enter its own. Recess. 2:26 P.M. Filing and entering Order that responses by defendants Wohl and Penobscot to interrogatories of the United States shall be governed by certain guiding principles set out in order. (PAYNE) | LK/mw |
| | Copies of order sent to counsel as notice of entry. | MW |
| 1-15-73 | By direction of Judge Payne Notice of Pretrial conference Tuesday, Feb. 20, 1973 at 1:30 P. M. Attys. notified by letter | ctc |
| 1/19/73 | Filing transcript of conference to settle form of order, of January 12, 1973. | MW |
| 2-20-73 | Albuquerque, Payne, J/Henry, reporter. Called for Pre-Trial Conference. Pltf moves for early trial setting. Arguments had. Court set tentative trial date as Sept 10, 1973 at Albuquerque. (Non-Jury Trial). | lgk |
| 2/28/73 | By direction of Judge Payne notice of Non-jury Trial set for Monday, September 10, 1973, at 9:00 A. M. Attys. notified by letter. | ctc |
| 2/28/73 | Answers of Penobscot Shoe Company to Plaintiff's First Set of Interrogatories addressed to Penobscot. | em |
| 3/2/73 | Defendant Wohl Shoe Company's Answers to Plaintiff's Interrogatories. | em |
| 3/6/73 | Transcript of Pretrial Conference had February 20, 1973. | em |
| 4/12/73 | Plaintiff's Notice to take deposition of Gilbert Vigil. | |
| | Plaintiff's Notice to take deposition of Frank R. Howard. | MW |
| 5/23/73 | Notice of Taking of Deposition of Irving Kagan. Notice of Taking of Deposition of Martin Price. Notice of Taking of Depositions of Kevit R. Cook, G. H. Bass & Co., J. M. Bujold. Notice of Taking of Deposition of Martin F. Godfrey. Notice of Taking of Deposition of David Buxh, Len Jacobson, Uniroyal, Inc., Max Barrick, Jack Young, David Reifsnyder, Florshiem Division of Interco, John K. Riedy, Gary Tatum, Joseph Goldberg, Jack Schultz, James Baldridge, Robert T. Bahn, Richard Goldman, E. R. Samuels. Notice of Taking Deposition of Phillip W. Lown. Notice of Taking Deposition of Mike Silverstein and Nina Footwear. Notice of Taking Deposition of Rauley Fox. | em |
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|---------|---|---------------------------------|
| | | |
| 6-15-73 | Notice of Taking of Depositions of Joseph Goldberg and Joseph E. Bradley. Certified copy mailed to Wallace E. Furstenau, Clerk, Phoenix, Arizona. | em |
| 8-5-73 | Plaintiff's Notice to take the deposition of Joseph E. Bradley. Certified copy of notice mailed to Clerk, Phoenix, Arizona. Plaintiff's Notice of taking deposition of Joseph Goldberg. Certified copy of above notice mailed to Clerk, Phoenix, Arizona. | MW |
| 7-10-73 | Marshal's returns of service on the following on 6-4-73. Jack Young, Max Barrick, Uniroyal, Inc. Richard Goldman, on 6-12-73. Served on 6-12-73: E. R. Samuels, James Baldridge, Gary Tatum, Len Jacobson, David Bush, Robert T. Bahn, and David Reifsnyder. All the above served deposition subpoenas. | MW |
| 7-19-73 | Notice of depositions of the following persons: Mr. Norman Machtlinger; Mrs. Norman (Ida) Machtlinger; Mr. Arthur Machtlinger; Mr. Gerald Clark; Mr. Henry R. Killinger; Mr. Aris Carillo; Sweetbriar Shop, Inc.; Laverne M. Lorenz; Margo's LaMode. to be taken on July 31, 1973; August 1, 2 & 3, 1973 | mf |
| 7-25-73 | Set down for Hearing Re: Application for Authorization to Serve Trial Subpoenas Without the District of New Mexico, and Hearing Re: Final Pre-Trial Schedule (Payne) Thursday, August 9, 1973, at 9:00 A. M. All counsel notified. | ctc mw |
| 8-1-73 | Stipulation between parties | |
| 8-6-73 | Application by Plaintiff for Authorization to serve trial subpoenas without the District of New Mexico with with Affidavit of Michael J. Dennis and list of Witnesses attached. | mw sen |
| 8-9-73 | Deposition of Ralph H. Sutherland, Jr. | ctc |
| 8-9-73 | Set for Pre-Trial (Payne) 8-24-73 at 9 A.M. All counsel notified. | |
| 8-9-73 | Order that the service without the District of New Mexico of trial subpoenas ad testificandum upon the witnesses whose names are listed on attachment is authorized.(PAYNE) | |
| 8-10-73 | Copies of order sent to counsel. Albuquerque, Payne, J/Henry, rep., called for hearing on Application for authorization to serve Trail Subpoenas outside the District. Mr. Somerville and Mr. Weidman for Plaintiff, Mr. Riddle, Mr. Taylor and Mr. Quinn for Defendants. Court grants Application. | mw ctc |

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| DATE | PROCEEDINGS | Date Order or Judgment Note |
|-----------------|--|-----------------------------|
| 1973 8-16-73 | Transcript of hearing on motion to subpoena witnesses, 8-9-73 | MW |
| 8-20-73 | Plaintiff's Notice to take deposition of Philip Lown in Boston, Mass. Conformed copy mailed to Los Angeles Antitrust Div., certified copy with deposition subpoena mailed to Clerk of Court in Boston. | MW |
| 8-22-73 | Depositions of the following: Robert T. Bahn, John G. Young, Sr. Gary Tatum, Leonard Jacobson, Jack Schultz, with exhibits attached, James Baldridge, Richard Goldman, J. K. Reidy, David Bush, with exhibits attached. The above depositions were received in the Clerk's Office Unsealed and Unmarked. | sen |
| 8-27-73 | Case reset for Non-Jury Trial (Payne) 9-17-73 at 9 A. M. Counsel notified. | ctc |
| 8-30-73 | Application by Plaintiff for Authorization to serve trial subpoenas without the District of New Mexico. Attachment. Order that the service without the District of New Mexico of trial subpoenas ad testificandum upon the witnesses named in attachment. Copies of order sent to counsel. | MW MW |
| 9-4-73 | Deposition of David Reifsnyder. | MW |
| 9-5-73 | Final Judgment as to Penobscot Shoe Company . Copies of Judgment sent to counsel. | MW ctc |
| 9-6-73 | Pre-Trial Conference held. Henry Rep. | |
| 9-6-73 | Deposition of Joseph Goldberg Depositions of Henry R. Killinger, Aris Carillo, and Phil Parlington. | |
| 9-6-73 | Plaintiff's Summary of Testimony of Government Witnesses. Plaintiff's Preliminary Statement. Trial Brief of Defendant Wohl Shore Company Defendant Wohl Shoe Company's Summary of Testimony. Application by Plaintiff for Authorization to Serve Trial Subpoenas without the District of New Mexico. Order authorizing the service without the District of New Mexico of trial subpoenas <u>duces tecum</u> . Copy mailed to counsel. | sen sen |

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| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|--|------------------------------|
| 9-10-73 | Deposition of Philip Lown. | sen |
| 9-10-73 | Transcript of Pretrial Conference. | MW |
| 9-12-73 | Plaintiff's Motion to Adopt the Government's pretrial order. Motion of Defendant Wohl Shoe Company for entry of Order on Court's Rulings at Pretrial Conference on 9-6-73 and Memorandum in support thereof. | |
| 9-13-73 | Plaintiff's Findings of Fact and Conclusions of Law. (Proposed) | sen |
| 9-14-73 | Defendant's Memorandum in opposition to plaintiff's proposed pre-trial order on Court's Rulings at Pretrial Conference of 9-6-73. Application by Plaintiff for Authorization to Serve Trial subpoenas without the District of New Mexico. Order that the service without the District of New Mexico of trial subpoenas upon witnesses is authorized. (PAYNE) | |
| | Three certified copies of above order issued and handed to Attorney for plaintiff for delivery to the Marshal. Copies of order sent to counsel. | MW |
| | Deposition of Joseph E. Bradley. | MW |
| 9-14-73 | Deposition of Ida Machtlinger and Arthur Machtlinger | |
| | Deposition of Norman Machtlinger | MW |
| 9-17-73 | Deposition of Irving Kagan. | MW |
| 9-17-73 | List of Government Exhibits | MW |
| 9-19-73 | Summary of Testimony of certain government witnesses. Reporter's Trial Transcript (First Day). | MW |
| 9-21-73 | Plaintiff's Designation and Notice to Offer into evidence testimony from the deposition of defendant Penobscot's Officer, Phillip W. Lown, pursuant to Rule 32(a)(2) FRCP. | ctc |
| 9-20-73 | Reporter's Trial Transcript (Second Day). | mf |
| 9-21-73 | Reporter's Trial Transcript (Third and Fourth Days). | ctc ctc |
| 9-24-73 | Marshal return of service of subpoena on Michael De La Hunt 9-20-73 | MW |

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| DATE | PROCEEDINGS | Date Order or Judgment Noted |
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| 9-17-73 | Albuquerque, Payne/J Malone, Rep. Case called for Non-Jury Trial. Gov. by Messers. Somerville, Weldman, Dennis and Slade, Deft. by Messers. Riddle, Taylor Quinn, Tracy and Pickle. 9:00 A. M. Witnesses sworn and evidence presented. 4:46 P. M. Court recesses until 9:00 A. M. tomorrow. | |
| 9-18-73 | Second Day of Trial (Payne) Malone, Rep. Same counsel present; 9 A. M. Evidence presented. 5:00 P. M. Court recesses until 9:00 A. M. tomorrow. | |
| 9-19-73 | Third Day of Trial (Payne) Malone, Rep. Same counsel present; 9 A. M. Evidence presented. 5:00 P. M. Court recesses until 9:00 A. M. tomorrow. | |
| 9-20-73 | Fourth Day of Trial (Payne) Malone, Rep. Same counsel present; 9 A. M. Evidence presented. 5:00 P. M. Court recesses until 9:00 A. M. tomorrow. | |
| 9-21-73 | Fifth Day of Trial (Payne) Malone, Rep. Same counsel present; 9 A. M. Evidence presented. 2:45 P. M. Court recesses until 9:00 Monday morning. | |
| 9-24-73 | Sixth Day of Trial (Payne) Malone, Rep. Same counsel present with the exception of Ronald Griffith for the Gov. 9:00 A. M. Evidence presented. 5:00 P. M. Court recesses until 9:00 tomorrow. | |
| 9-25-73 | Seventh Day of Trial (Payne) Malone, Rep. Same counsel present 9 A. M. Deft. moves the Court orally as follows: Motion to Strike re: Hearsay Rule; Motion to Strike all Reference to Grand Jury Testimony; Motion to Strike certain documents used in case; Motion for Judgment. Motion re: Grand Jury testimony of N. Machtinger. Court advises counsel that arguments will be had on September 28, 1973 at 1:30 P. M. Ea. counsel to have 10 das. in which to file Briefs. 9:35 A. M. Court recesses until 9-28-73 at 1:30 P. M. | ctc |
| | Filing Gov.'s Memorandum on the Applicability of the Sherman Act to Intra-Enterprise Situations. | |
| | Filing Deft.'s Memorandum Regarding the Department of Justice Policy as to the Legality of Business Dealings Involving a Parent and its Wholly Owned Subsidiary. | |
| | Filing Government's Memorandum Regarding Its Right to Cross Examine Penobscot's and Other Defendant's Employees as Adverse Parties Pursuant to Fed. R. Civ. P. 43(b). | |
| | Filing Gov.'s Memorandum on the Bradley Letter. | |
| 9-25-73 | Filing Gov's Exhibits as per List thereof. (in separate envelope) Filing Deft's Exhibits A and B. | ctc |
| 9-28-73 | Motion of Defendant Wohl Shoe Company to Strike Hearsay Testimony and Related Exhibits. Motion to Strike Testimony Relating to the Grand Jury Testimony of Certain Witnesses. (Defts.) Motion to Strike and Exclude Documents. (Defts) Motion to Dismiss After Close of Plaintiff's Evidence and, in the alternative, for Judgment in Favor of Defendant Wohl Shoe Company. | |

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| DATE | PROCEEDINGS | Date Order or Judgment Noted |
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| 9-28-73 | Albuquerque, Payne/J, Malone rep. called for hearing on Motions of Defendant and Arguments. Gov by Somerville, Weldman, Dennis and Slade. Deft. by Riddle, Taylor, Quinn, Tracy and Pickle. 1:30 P.M. Arguments had by both counsel. Counsel to submit briefs within 10 days. 3:35 P.M. Court adjourned. | ctc |
| 10-1-73 | Transcript of proceedings of Fifth day of trial, Sept. 21, 1973; Sixth day of trial, Sept. 24,; Seventh day of trial, Sept 25,; and Eighth day of trial, Sept. 28, filed in four volumes. | sen |
| 10-9-73 | Defendant Wohl Shoe Company's Post-Trial Memorandum. | sen |
| 10-9-73 | Post-Trial Brief of the United States Plaintiff's Errata Sheet to Post-Trial Brief. Plaintiff's Proposed Findings of Fact and Conclusions of Law. | mw |
| 11-14-73 | Defendant's Findings of Fact and Conclusions of Law. | sen ctc |
| 1-16-74 | Court's Memorandum Opinion and Judgment. Defendant, Wohl Shoe Company is enjoined from violating the Sherman Antitrust Act in the Albuquerque area in the sale of shoes. (PAYNE) Copies of opinion and judgment sent to all counsel, to West Publishing Company and to Law Week, BNA. | mw |
| | FINAL DOCKET JS 6 | |
| 1-28-74 | Plaintiff's Motion to amend the Memorandum Opinion and Judgment entered January 16, 1974. | mw |
| 2-5-74 | Plaintiff's Bill of costs, in the sum of \$10,001.30. | sen |
| 2-7-74 | Memorandum in support of plaintiff's motion pursuant to federal rules of civil procedure 59(e). | sen |
| 2-11-74 | Court's Opinion. Copies sent to counsel Final Judgment that Deft Wohl Shoe Company is permanently enjoined and restrained from violating Section One of the Sherman Antitrust Act in connection with the sale of shoes at retail in the Albuquerque area. Deft Wohl to pay taxable costs. (PAYNE) Copies of Judgment sent to counsel. | mw |
| 4-10-74 *** | Plaintiff's Notice of Appeal from the Final Judgment entered February 11, 1974. | |
| 2-18-74 | Costs taxed in the sum of \$10,001.30-copies mailed to counsel. | mf |

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| 1974 4-10-74 | Copies of Notice of Appeal sent to all other counsel, copy of Notice of Appeal with certificate of mailing sent to Clerk, U. S. Supreme Court. Copy of entire docket entries sent to appellant's counsel, copy of Notice delivered to the Court Reporter. | |
| 4-11-74 | Notice of Appeal by defendant, Wohl Shoe Company from the Final Judgment entered on February 11, 1974. Copies of Notice of Appeal sent to all other counsel, copy of Notice of Appeal with Proof of Service sent to Clerk, U. S. Supreme Court with copy of face of docket sheet. Copy of entire docket entries sent to counsel for appellant, Wohl Shoe Co. Notice of Appeal delivered to the Court Reporter. | MW |
| 4-22-74 | Letter showing receipt of notice of appeal on 4-17-74 by Supreme Court of the United States. | SEN |
| 5-2-74 | Plaintiff's Motion to Dismiss Appeal. Order that plaintiff's appeal from the Final Judgment of February 1 1974 is dismissed .(PAYNE) | |
| | Copies of above order sent to counsel, copy to court reporter, copy sent to Clerk, U. S. Supreme Court | |
| | Motion of Appellant Wohl Shoe Company for Voluntary Dismissal of Appeal before Docketing, with Certificate of Service attached. | |
| | Order that Defendant, Wohl Shoe's appeal from the Final Judgment of February 11, 1974 is dismissed. (PAYNE) | |
| | Copies of above order sent to counsel, copy delivered to the Court Reporter and copy sent to the Clerk, U. S. Supreme Court. | MW |
| 10-4-74 3-18-77 | Acknowledgment of Satisfaction of Costs, paid, from the U. S. Department of Justice. Returned Depositors to both counsels | MW |
| 10-17-78 | JOINT MOTION of Pltf and of Deft Nordstrom's Albuquerque, Inc. for Relief from Final Judgment. ORDER relieving Deft Nordstrom's Albuquerque, Inc. from Final Judgment. (PAYNE) Copies to counsel. | CTW |